



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB4549

by Rep. Dan Reitz

#### SYNOPSIS AS INTRODUCED:

525 ILCS 15/2	from Ch. 96 1/2, par. 9102
525 ILCS 15/4	from Ch. 96 1/2, par. 9104
525 ILCS 15/5	from Ch. 96 1/2, par. 9105
525 ILCS 15/6a	from Ch. 96 1/2, par. 9106a
525 ILCS 15/7	from Ch. 96 1/2, par. 9107

Amends the Illinois Forestry Development Act. changes "forestry management" to "forest management". Makes other name changes and revisions. Makes changes concerning Forestry Development Council terms and membership and extends the Council through 2018. Makes changes concerning cost share amounts. Makes other changes. Effective immediately.

LRB095 17056 RCE 43105 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning conservation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Forestry Development Act is amended  
5 by changing Sections 2, 4, 5, 6a, and 7 as follows:

6 (525 ILCS 15/2) (from Ch. 96 1/2, par. 9102)

7 Sec. 2. The following words shall have the meanings  
8 ascribed to them in this Section:

9 (a) "Acceptable forest ~~forestry~~ management practices"  
10 means preparation of a forest ~~forestry~~ management plan, site  
11 preparation, brush control, purchase of planting stock,  
12 planting, weed and pest control, fire control, fencing, fire  
13 management practices, timber stand improvement, timber harvest  
14 and any other practices determined by the Department of Natural  
15 Resources to be essential to responsible timber management.

16 (b) "Approved forest ~~forestry~~ management plan" means a  
17 management plan approved by the Department of Natural Resources  
18 pursuant to Section 5 of this Act.

19 (c) "Council" means the Illinois ~~Council on~~ Forestry  
20 Development Council created by this Act.

21 (d) "Department" means the Department of Natural  
22 Resources.

23 (e) "Forest product" means timber which can be used for

1 sawing or processing into lumber for building or structural  
2 purposes, for pulp paper, chemicals or fuel, for the  
3 manufacture of furniture, or for the manufacture of any  
4 article.

5 (f) "Fund" means the Illinois Forestry Development Fund  
6 created by this Act.

7 (g) "Timber" means trees, standing or felled, and parts  
8 thereof, excluding Christmas trees and producers of firewood.

9 (h) "Timber buyer" means any person defined as a timber  
10 buyer pursuant to Section 2 of the "Timber Buyers Licensing  
11 Act", approved September 15, 1969, as amended.

12 (i) "Timber grower" means the owner, tenant or operator of  
13 land in this State who has an interest in, or is entitled to  
14 receive any part of the proceeds from, the sale of timber grown  
15 in this State and includes persons exercising authority to sell  
16 timber.

17 (Source: P.A. 89-445, eff. 2-7-96.)

18 (525 ILCS 15/4) (from Ch. 96 1/2, par. 9104)

19 Sec. 4. The Department shall:

20 (a) Implement the forest ~~forestry~~ development cost share  
21 program created by Section 5 of this Act and coordinate with  
22 the United States Department of Agriculture - Natural Resource  
23 Conservation Service ~~Soil Conservation Service~~ and the Farm  
24 Service Agency ~~Agricultural Stabilization and Conservation~~  
25 ~~Service~~ in the administration of such program.

1 (b) Approve acceptable forest ~~forestry~~ management plans as  
2 required by Section 5 of this Act.

3 (c) Provide assistance to the Illinois ~~Council on~~ Forestry  
4 Development Council.

5 (d) Promote the development of an active forest ~~forestry~~  
6 industry in this State by providing information to timber  
7 growers relating to acceptable management practices,  
8 suitability of various kinds of timber to various land types,  
9 marketability of various types of timber, market strategies  
10 including marketing cooperatives, availability of State and  
11 federal government assistance, soil and water conservation  
12 benefits, and wildlife habitat enhancement opportunities.

13 (e) Provide any aid or information requested by the  
14 Illinois Finance Authority in relation to forest ~~forestry~~  
15 industry assistance programs implemented under the Illinois  
16 Finance Authority Act.

17 (Source: P.A. 93-205, eff. 1-1-04.)

18 (525 ILCS 15/5) (from Ch. 96 1/2, par. 9105)

19 Sec. 5. A forest ~~forestry~~ development cost share program is  
20 created and shall be administered by the Department of Natural  
21 Resources.

22 A timber grower who desires to participate in the cost  
23 share program shall devise a forest ~~forestry~~ management plan.  
24 To be eligible to submit a proposed forest ~~forestry~~ management  
25 plan, a timber grower must own or operate at least 5 contiguous

1 acres of land in this State on which timber is produced, except  
2 that, no acre on which a permanent building is located shall be  
3 included in calculations of acreage for the purpose of  
4 determining eligibility. The proposed forest ~~forestry~~  
5 management plan shall include a description of the land to be  
6 managed under the plan, a description of the types of timber to  
7 be grown, a projected harvest schedule, a description of forest  
8 ~~forestry~~ management practices to be applied to the land, an  
9 estimation of the cost of such practices, plans for  
10 afforestation, plans for regenerative harvest and  
11 reforestation, and a description of soil and water conservation  
12 goals and wildlife habitat enhancement which will be served by  
13 implementation of the forest ~~forestry~~ management plan.

14 Upon receipt from a timber grower of a draft forest  
15 ~~forestry~~ management plan, the Department shall review the plan  
16 and, if necessary, assist the timber grower to revise the plan.  
17 The Department shall officially approve acceptable plans.  
18 Forest ~~Forestry~~ management plans shall be revised as necessary  
19 and all revisions must be approved by the Department. A plan  
20 shall be evaluated every 2 years annually for reapproval.

21 The eligible land shall be maintained in a forest condition  
22 for a period of 10 years or until commercial harvest, whichever  
23 last occurs, as required by the plan.

24 The Department shall enter into agreements with timber  
25 growers with approved forest ~~forestry~~ management plans under  
26 which the Department shall agree to pay a share of the total

1 cost of acceptable forest ~~forestry~~ management plans and  
2 practices implemented under the plan. The cost share amount is  
3 up to 80% of the total cost of the forest ~~forestry~~ management  
4 practices for such practices approved to be funded from monies  
5 appropriated for this purpose for subsequent fiscal years. Cost  
6 share funds shall be paid from monies appropriated to the  
7 Department by the General Assembly for that purpose from the  
8 Illinois Forestry Development Fund or any other fund in the  
9 State Treasury.

10 The Department, upon recommendations made to it by the  
11 Council, may provide for the categorization of forest ~~forestry~~  
12 management practices and determine an appropriate cost share  
13 percentage for each such category. Forest ~~Forestry~~ management  
14 practices submitted by timber growers on whose timber sales  
15 fees of 4% of the sale amount were paid as provided in Section  
16 9a of the "Timber Buyers Licensing Act", approved September 1,  
17 1969, may be accorded a priority for approval within the  
18 assigned category. Such timber growers may receive a cost share  
19 amount which is increased above the amount for which they would  
20 otherwise qualify by an amount equal to ~~not to exceed 50% of~~  
21 the fees paid by the timber grower on ~~his~~ sales occurring in  
22 the 2 fiscal years immediately preceding the fiscal year in  
23 which the forest ~~forestry~~ management practices are approved and  
24 funded; provided, however, that the total cost share amount  
25 shall not exceed the total cost of the approved forest ~~forestry~~  
26 management practices.

1           Upon transfer of his or her ~~his~~ right and interest in the  
2 land or a change in land use, the timber grower shall forfeit  
3 all rights to future payments and other benefits resulting from  
4 an approved plan and shall refund to the Department all  
5 payments received therefrom during the previous 10 years unless  
6 the transferee of any such land agrees with the Department to  
7 assume all obligations under the plan.

8           (Source: P.A. 89-445, eff. 2-7-96.)

9           (525 ILCS 15/6a) (from Ch. 96 1/2, par. 9106a)

10           (Section scheduled to be repealed on December 31, 2008)

11           Sec. 6a. Illinois Forestry Development Council.

12           (a) The Illinois Forestry Development Council is hereby  
13 re-created by this amendatory Act of the 95th ~~91st~~ General  
14 Assembly.

15           (b) The Council shall consist of 29 ~~24~~ members appointed as  
16 follows:

17           (1) four members of the General Assembly, one appointed  
18 by the President of the Senate, one appointed by the Senate  
19 Minority Leader, one appointed by the Speaker of the House  
20 of Representatives, and one appointed by the House Minority  
21 Leader;

22           (2) one member appointed by the Governor to represent  
23 the Governor;

24           (3) the Directors of the Departments of Natural  
25 Resources, Agriculture, and Commerce and Economic

1 Opportunity, the Executive Director of the Illinois  
2 Finance Authority, and the Director of the Office of Rural  
3 Affairs, or their designees;

4 (4) the chair ~~chairman~~ of the Department of Forestry or  
5 a forestry academician, appointed by the Dean of  
6 Agricultural Sciences ~~Agriculture~~ at Southern Illinois  
7 University at Carbondale;

8 (5) the head of the Department of Natural Resources and  
9 Environmental Sciences or a forestry academician,  
10 appointed by the Dean of Agricultural Consumer and  
11 Environmental Sciences of ~~Agriculture at~~ the University of  
12 Illinois at Urbana-Champaign;

13 (6) two members, appointed by the Governor, for a  
14 5-year term who shall be private timber growers;

15 (7) one member, appointed by the president of the  
16 Illinois Wood Products Association, who shall be involved  
17 in primary forest ~~forestry~~ industry;

18 (8) one member, appointed by the president of the  
19 Illinois Wood Products Association, who shall be involved  
20 in secondary forest ~~forestry~~ industry;

21 (9) one member who is actively involved in  
22 environmental issues, appointed by the Governor; for a  
23 5-year term

24 (10) the president of the Association of Illinois Soil  
25 and Water Conservation Districts; or designee

26 (11) two persons who are actively engaged in farming,

1 appointed by the Governor for a 5-year term;

2 (12) one member, appointed by the Governor for a 5-year  
3 term, whose primary area of expertise is urban forestry;

4 (13) one member appointed by the President of the  
5 Illinois Arborists Association;

6 (14) the Supervisor of the Shawnee National Forest and  
7 the United States Department of Agriculture Natural  
8 Resource Conservation Service's State Conservationist, ex  
9 officio, or their designees;~~;~~

10 (15) the president of the Illinois Forestry  
11 Association or designee;

12 (16) the president of the Illinois Walnut Council or  
13 designee;

14 (17) the chair of the Illinois Tree Farm Committee or  
15 designee;

16 (18) the president of the Illinois Society of American  
17 Foresters or designee; and

18 (19) the president of the Illinois Wildlife Society or  
19 designee.

20 For those Governor appointees that are currently serving on  
21 the Council prior to the effective date of this amendatory Act  
22 of the 95th General Assembly, their term shall expire 2 years  
23 after that effective date.

24 (c) Members of the Council shall serve without compensation  
25 but shall be reimbursed for actual expenses incurred in the  
26 performance of their duties which are not otherwise reimbursed.

1 (d) The Council shall select from its membership a  
2 chairperson and such other officers as it considers necessary.

3 (e) Other individuals, agencies and organizations may be  
4 invited to participate as deemed advisable by the Council.

5 (f) The Council shall study and evaluate the forest  
6 ~~forestry~~ resources and forest ~~forestry~~ industry of Illinois.  
7 The Council shall:

8 (1) determine the magnitude, nature and extent of the  
9 State's forest ~~forestry~~ resources;

10 (2) determine current uses and project future demand  
11 for forest products, services and benefits in Illinois;

12 (3) determine and evaluate the ownership  
13 characteristics of the State's forests, the motives for  
14 forest ownership and the success of incentives necessary to  
15 stimulate development of forest resources;

16 (4) determine the economic development and management  
17 opportunities that could result from improvements in local  
18 and regional forest product marketing and from the  
19 establishment of new or additional wood-related businesses  
20 in Illinois;

21 (5) confer with and offer assistance to the Illinois  
22 Finance Authority relating to its implementation of forest  
23 industry assistance programs authorized by the Illinois  
24 Finance Authority Act;

25 (6) determine the opportunities for increasing  
26 employment and economic growth through development of

1 forest resources;

2 (7) determine the effect of current governmental  
3 policies and regulations on the management of woodlands and  
4 the location of wood products markets;

5 (8) determine the staffing and funding needs for forest  
6 ~~forestry~~ and other conservation programs to support and  
7 enhance forest resources development;

8 (9) determine the needs of forest ~~forestry~~ education  
9 programs in this State;

10 (10) confer with and offer assistance to the Department  
11 of Natural Resources relating to the implementation of  
12 urban forest ~~forestry~~ assistance grants pursuant to the  
13 Urban and Community Forestry Assistance Act; and

14 (11) determine soil and water conservation benefits  
15 and wildlife habitat enhancement opportunities that can be  
16 promoted through approved forest ~~forestry~~ management  
17 plans.

18 (g) The Council shall report (i) its findings and  
19 recommendations for future State action and (ii) its evaluation  
20 of Urban/Community Forestry Assistance Grants to the General  
21 Assembly no later than July 1 of each year.

22 (h) This Section 6a is repealed December 31, 2018 ~~2008~~.

23 (Source: P.A. 93-205, eff. 1-1-04; 94-793, eff. 5-19-06.)

24 (525 ILCS 15/7) (from Ch. 96 1/2, par. 9107)

25 Sec. 7. ~~The~~ Illinois Forestry Development Fund, a special

1 fund in the State Treasury, is hereby created. The Department  
2 of Natural Resources shall pay into the Fund all fees and fines  
3 collected from timber buyers and landowners and operators  
4 pursuant to the "Timber Buyers Licensing Act", and the "Forest  
5 Products Transportation Act", all gifts, contributions,  
6 bequests, grants, donations, transfers, appropriations and all  
7 other revenues and receipts resulting from forest ~~forestry~~  
8 programs, forest product sales, and operations of facilities  
9 not otherwise directed by State law and shall pay such monies  
10 appropriated from the Fund to timber growers for implementation  
11 of acceptable forest ~~forestry~~ management practices as provided  
12 in Section 5 of this Act. Monies may be appropriated from the  
13 Fund for the expenses of the Illinois Forestry Development  
14 Council. Ordinary operating expenses of the Forest Resources  
15 Division of the Department, for the administration and  
16 implementation of this Act, the development and implementation  
17 of a wood industry marketing, development and promotions  
18 program and other programs beneficial to advancing forests and  
19 forest ~~forestry~~ in this State, as deemed appropriate by the  
20 General Assembly, may be appropriated from this fund to the  
21 extent such appropriations preserve the receipts to the Fund  
22 derived from Section 9a of the "Timber Buyers Licensing Act".

23 (Source: P.A. 89-445, eff. 2-7-96.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.